

## **EXHIBIT A**

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British Virgin Islands

EASTERN CARIBBEAN  
SUPREME COURT



CIVIL PROCEDURE RULES  
2000

"I [name of the individual legal practitioner giving the certificate] certify that –

- (a) the [claimant or as the case may be] believes that the facts stated in this [name document] are true; and
- (b) this certificate is given on the [claimant's or as the case may be] instructions.

The [claimant or as the case may be] cannot give the certificate because [state reason].

#### **Failure to give certificate of truth**

3.13 (1) The court may strike out any statement of case which has not been verified by a certificate of truth.

(2) Any party may apply for an order under paragraph (1).

#### **Right to inspect, etc. certain documents filed in court office**

3.14 (1) On payment of the prescribed fee, any person is entitled, during office hours, to search for, inspect and take a copy of any of the following documents filed in the court office, namely –

- (a) a claim form;
- (b) a notice of appeal;
- (c) a judgment or order given or made in court; and
- (d) with the leave of the court, which may be granted on an application made without notice, any other document.

(2) Nothing in paragraph (1) prevents a party in any proceedings from searching for, inspecting and taking a copy of any affidavit or other document filed in the court office in those proceedings or filed before the commencement of those proceedings but with a view to its commencement.

(3) Any document filed in or in the custody of a court office must not be taken out of the court office without the leave of the court unless the document is to be sent to another court office or to a magistrate's court.

**VIRGIN ISLANDS**

**INSOLVENCY RULES, 2005**

**ARRANGEMENT OF RULES**

*Rule*

**PART I**

**PRELIMINARY PROVISIONS**

1. Short title and commencement.
2. Interpretation.
3. Prescribed financial services licence.

**PART II**

**COURT PROCEDURE AND PRACTICE**

**Division 1 – General**

4. Application of CPR.
5. Exercise of Court's powers.
6. Filing of documents with the Court.
7. Filing of documents with the Registrar.

**Division 2 – Practice Directions and Guides**

8. Issue of practice directions.
9. Practice directions to be published in Gazette.
10. Compliance with practice directions.
11. Practice guides.

**Division 3 – Applications**

12. Scope of rules.
13. Types of application.
14. Form and content of application.
15. Application for appointment of insolvency practitioner.
16. Filing of applications.
17. Service of applications.
18. Persons entitled to copy of certain applications.

## PART II

### COURT PROCEDURE AND PRACTICE

#### Division 1 – General

Application of CPR.

4. (1) Subject to paragraph (2), except so far as inconsistent with the Act or the Rules or a practice direction issued under rule 8, the CPR, practice directions issued under CPR Part 4 and practice guidance issued under CPR 4.6 apply to insolvency proceedings, with any necessary modifications.

(2) The provisions of the CPR specified in Schedule 1 do not apply in insolvency proceedings.

Exercise of Court's powers.

5. Subject to any provision in the Act or the Rules to the contrary or to any practice direction, the functions of the Court under the Act or the Rules may be exercised by a master.

Filing of documents with the Court.

6. Every document filed with the Court shall have endorsed upon it the date and time at which it was filed and, if the Rules so provide, shall be sealed.

Filing of documents with the Registrar.

7. (1) Where a document is required or permitted under the Act or the Rules to be filed with the Registrar, the document is filed by delivering or posting it to the Registrar.

(2) A document is filed with the Registrar on the day when it is received at the Companies Registry or, where it is received at a time when the Companies Registry is closed, on the next day on which the Companies Registry is open.

#### Division 2 – Practice Directions and Guides

Issue of practice directions.

8. (1) The Chief Justice may issue a practice direction where required or permitted by the Act or the Rules.

(2) Where there is no express provision in the Act or the Rules for such a direction, the Chief Justice may issue directions as to the practice and procedure to be followed with regard to insolvency proceedings before the Court.

(3) In the case of any inconsistency between a practice direction issued under this rule and the CPR, or a practice direction or practice guide issued under the CPR, the practice direction issued under this Rule prevails.

(2) Subject to paragraph (3), notice of the application shall be given to any person specified in the Rules and to any other person that the Court may direct.

(3) Unless the Act or the Rules provide otherwise, the Court may, by order, give any of the following directions

(a) that the giving of notice of an application to any person be dispensed with; and

(b) that notice be given in some way other than that specified in the Act or the Rules.

(4) Unless the Act or the Rules provide otherwise, an application shall be served at least 14 days before the date fixed for the hearing.

Persons entitled to copy of certain applications.

18. (1) Each of the following persons may request the applicant to provide him with a copy of an application for an administration order or an application for the appointment of a liquidator:

(a) a director of the company against which the application is made;

(b) a member of the company; and

(c) a creditor of the company.

(2) On receipt of a request made under paragraph (1), the applicant, or where the applicant is represented by a legal practitioner, his legal practitioner, shall provide the person making the request with a copy of the application

Affidavit of service.

19. (1) Where required by the Act or the Rules, service of an application or other document shall be verified by an affidavit of service in the prescribed form sworn by the person who effected service specifying the date on which, and the manner in which, service was effected.

(2) A sealed copy of the application or other document served, together with any supporting documents served, shall be exhibited to the affidavit of service.

(3) The affidavit verifying service shall be filed in Court as soon as reasonably practicable after service but, in any event, not less than two days prior to the date fixed for the hearing of the application.

Hearing of applications.

20. (1) Unless otherwise provided by the Act or the Rules